

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD J. WILLIAMSON,

Plaintiff,

v.

Case No. 12-11031
HON. AVERN COHN

PETER BADE, et al.,

Defendants.

/

ORDER DISMISSING STATE LAW CLAIMS WITHOUT PREJUDICE

This is a civil case brought by the former mayor of the City of Flint against the city and various officials.

The amended complaint (Doc. 7) asserts 14 separate claims, as follows:

- Count I Violations of 42 U.S.C. §1983 Against Defendant Bade
(Retaliation)
- Count II Violations of 42 U.S.C. §1983 Against Defendant Walling
(Retaliation)
- Count III Violations of 42 U.S.C. §1983 Against Flint City Council
(Retaliation)
- Count IV Violations of 42 U.S.C. §1983 Against The City of Flint
(Retaliation)
- Count V Misrepresentation Against Defendants Bade and Brown
- Count VI Breach of Contract Against Defendants Brown and The City
of Flint
- Count VII Breach of Contract Against Defendant City of Flint
- Count VIII Breach of Implied Contract Against Defendant City of Flint
- Count IX Unjust Enrichment Against Defendant City of Flint

- Count X *Quantum Meruit Against Defendant City of Flint*
- Count XI Violation of Michigan Payment of Wages Act as Against Defendant City of Flint
- Count XII Violation of The Michigan Constitution
- Count XIII Procedural Due Process Claim Regarding Wages Earned But Not Paid Against Defendants City of Flint, Bade, and Official Doe
- Count XIV Procedural Due Process Claim Regarding Indemnity Against Defendants City of Flint, Bade, Walling and City Council

Counts V, VI, VII, VIII, IX, X, XI and XII are state law claims.

Although supplemental jurisdiction exists over state-law claims under 28 U.S.C. § 1337(a), the Court may decline to exercise supplemental jurisdiction if the state-law claims raise “novel or complex” issues of state law, “substantially predominate[] over the claim or claims over which the district court has original jurisdiction,” or if “there are other compelling reasons for declining jurisdiction.” Id. § 1337(c)(1), (c)(2), (c)(4). Here, plaintiff’s state-law claims present novel issues of state law, substantially predominate over the federal claims, and would be more appropriately adjudicated by a state court. See Padilla v. City of Saginaw, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). Thus, the Court declines to exercise supplemental jurisdiction over plaintiff’s state-law claims. Accordingly, Counts V, VI, VII, VIII, IX, X, XI and XII are DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

Dated: June 20, 2012

S/Avern Cohn
 AVERN COHN
 UNITED STATES DISTRICT JUDGE

**12-11031 Williamson v. Bade, et al
Order Dismissing State Law Claims Without Prejudice**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, June 20, 2012, by electronic and/or ordinary mail.

S/Tanya Bankston on behalf of s/Julie Owens
Case Manager, (313) 234-5160